

ASSEMBLY, No. 3865

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Senator DAWN MARIE ADDIEGO

District 8 (Atlantic, Burlington and Camden)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

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District 2 (Atlantic)

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

Senator ROBERT W. SINGER

District 30 (Monmouth and Ocean)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Limits return of items purchased from retail food stores under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 3/19/2020)

1 AN ACT limiting the return of certain items purchased during a state
2 of emergency declared in response to COVID-19 and
3 supplementing P.L.1960, c.39 (C.56:8-1 et seq.).
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. The Legislature finds and declares that in response to the
9 public health emergency resulting from the COVID-19 virus,
10 consumers have been purchasing large quantities of products in
11 order to prepare for a possible quarantine or isolation period. The
12 Centers for Disease Control and Prevention (CDC) has advised that
13 the COVID-19 virus may be spread from person-to-person from
14 contaminated surfaces. The CDC further has advised that current
15 evidence suggests that the COVID-19 virus may remain viable on
16 contaminated surfaces for anywhere from hours to days. Following
17 a quarantine or period of isolation, a consumer may attempt to
18 return unused items purchased in bulk, which may contribute to the
19 spread of COVID-19 if the items being returned are contaminated
20 with the virus. The legislature finds that in order to inhibit the
21 further spread of COVID-19 and protect the public health, it is
22 necessary to limit the return of groceries and other foodstuffs
23 purchased during a state of emergency declared in response to
24 COVID-19.
25

26 2. As used in this act:

27 “Groceries and other foodstuffs” means dairy products, meat and
28 delicatessen products, produce products, seafood products,
29 carbonated beverages, coffee and other beverages, snack foods,
30 candy products, baked products, paper products, household cleaning
31 items, health and beauty products, frozen foods, pet foods and
32 supplies, and any other edible product not previously listed.

33 “Retail food store” means any retail establishment where
34 groceries and other foodstuffs are regularly and customarily sold in
35 a bona fide manner for off-premises consumption.
36

37 3. It shall be an unlawful practice and a violation of
38 P.L.1960, c.39 (C.56:8-1 et seq.) for any retail food store to accept
39 the return of any groceries and other foodstuffs purchased by a
40 consumer during, and for 30 days following, a state of emergency
41 declared in response to COVID-19. A retail food store may accept
42 the return of groceries and other foodstuffs if it determines, in its
43 sole discretion, that the groceries and other foodstuffs are unsafe for
44 use or otherwise adulterated within the meaning of R.S.24:5-8 as a
45 result of any manufacturing error or defect. Any groceries or other
46 foodstuffs accepted for return by a retail food store shall not be
47 offered for resale.

1 4. This act shall take effect immediately.

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STATEMENT

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5 This bill makes it an unlawful practice for a retail food store to
6 accept the return, with limited exceptions, of any groceries and
7 other foodstuffs purchased during, and for 30 days following, a
8 state of emergency declared in response to COVID-19.

9 In response to the public health emergency resulting from the
10 COVID-19 virus, consumers have been purchasing large quantities
11 of products in order to prepare for a possible quarantine or period of
12 isolation. The Centers for Disease Control and Prevention (CDC)
13 has advised that the COVID-19 virus may remain viable on
14 contaminated surfaces for hours to days. Following a quarantine or
15 period of isolation, a consumer may attempt to return any unused
16 items purchased in bulk, which may contribute to the spread of
17 COVID-19 if the items being returned are contaminated with the
18 virus. The legislature finds that in order to inhibit the further
19 spread of COVID-19 and protect the public health, it is necessary to
20 limit the return of groceries and other foodstuffs purchased during a
21 state of emergency declared in response to COVID-19.

22 Under the provisions of this bill, it would be an unlawful practice
23 for any retail food store to accept the return of any groceries and
24 other foodstuffs purchased by a consumer during, and for 30 days
25 following, a state of emergency declared in response to COVID-19.
26 However, a retail food store may accept the return of groceries and
27 other foodstuffs if it determines, in its sole discretion, that the
28 purchased items are unsafe for use or otherwise adulterated as a
29 result of any manufacturing error or defect. Any groceries or other
30 foodstuffs accepted for return by a retail food store are not to be
31 offered for resale.

32 The bill defines “groceries and other foodstuffs” to mean dairy
33 products, meat and delicatessen products, produce products, seafood
34 products, carbonated beverages, coffee and other beverages, snack
35 foods, candy products, baked products, paper products, household
36 cleaning items, health and beauty products, frozen foods, pet foods
37 and supplies, and any other edible product not previously listed. In
38 addition, the bill defines “retail food store” to mean any retail
39 establishment where groceries and other foodstuffs are regularly
40 and customarily sold in a bona fide manner for off-premises
41 consumption.

42 An unlawful practice under the consumer fraud act,
43 P.L.1960, c.39 (C.56:8-1 et seq.), is punishable by a monetary
44 penalty of not more than \$10,000 for a first offense and not more
45 than \$20,000 for any subsequent offense. In addition, a violation
46 can result in cease and desist orders issued by the Attorney General,
47 the assessment of punitive damages, and the awarding of treble
48 damages and costs to the injured.